

The Gazette



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EXTRAORDINARY

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GOVERNMENT OF INDIA

MINISTRY OF COMMUNICATIONS

(POSTS AND TELEGRAPHIS)

NOTIFICATION

New Delhi, the 22nd December, 1948.

No. Teleconf. 20-2/48.—In exercise of the powers conferred by sub-section (1) of section 4 of the Indian Telegraph Act, 1885 (XIII of 1885), and in supersession of the Indian Wireless (Foreign Aircraft) Rules, 1930, the Central Government is pleased to make the following rules, namely:—

1. (1) These rules may be called the Indian Wireless Telegraphs (Foreign Aircraft) Rules, 1948.

(2) They shall come into force on the first January, 1949.

2. In these rules, unless there is something repugnant in the subject or context,—

(a) "Convention" means the International Telecommunication Convention (Atlantic City, 1947) and the Radio Regulations and the Additional Radio Regulations annexed thereto, as modified from time to time, but does not include any portion of the said Convention or Regulations regarding which the Central Government makes any reservation, from time to time;

(b) "Harbour" includes harbours whether natural or artificial, estuaries, navigable rivers, piers, jetties and other works, in or at which ships can obtain shelter, or ship or unship goods or passengers;

(c) "Station", "Fixed Station", "Land Station", "Mobile Station", "Distress Call" and "Distress Message" have respectively the meaning assigned to them in the Convention;

(d) "Foreign Aircraft" means an aircraft registered in a country other than India.

3. Subject to the conditions stated in these rules, a wireless telegraph may be established, maintained or worked on any foreign aircraft within or above Indian territories or Indian territorial waters, without a license under the Indian Telegraph Act, 1885.

4. The establishment, maintenance and working of the wireless telegraph by a private person or any corporate or incorporate body shall be covered by a license issued by the government of the country in which the aircraft is registered.

5. The service of the wireless telegraph shall be performed by an operator holding a certificate issued or recognised by the government of the country of registry of the aircraft for the working of such a wireless telegraph.

• 6. Whilst any foreign aircraft (other than a military aircraft) is within or above Indian territories or Indian territorial waters, no person shall, except as provided in these rules or with the general or special permission in writing of the Telegraph Authority, send any message by a wireless telegraph on that aircraft when and where such message can be forwarded by a telegraph of the Central Government.

7. (1) Except as provided in the Convention or these rules or with the general or special permission in writing of the Telegraph Authority, no person shall work or use the transmitting apparatus of a wireless telegraph on any aircraft (other than a military aircraft) within or above Indian territories or Indian territorial waters except during actual flights or in case of forced landing, and then only for transmitting messages necessary for the conduct of the flight or air service—

(a) in communication in accordance with the instructions of the Telegraph Authority relating to aeronautical services with stations in India affording such services, or

(b) when entering or leaving Indian territories or Indian territorial waters, in communication with stations in countries adjacent to India affording aeronautical services:

Provided that an aircraft within, above or outside Indian territories may, in cases of urgency, when the aircraft is not in reliable communication with an aeronautical station, communicate with a ship or aircraft anywhere, if the commander of the former aircraft considers that such communication is essential for the safety of his aircraft.

(2) A military aircraft accompanying a foreign ship-of-war, when in communication with the ship, whilst the ship is in any harbour in India, shall comply with the following conditions, namely:—

(a) transmission shall be discontinued on request from—

- (i) the telegraph Authority;
- (ii) any Indian Naval or Air Force Authority;
- (iii) any port authority; or
- (iv) any land station;

(b) protracted signalling involving the use of apparatus transmitting other than pure continuous waves shall be avoided.

8. When communications are made by wireless telegraph between any aircraft within or above Indian territories or Indian territorial waters and a land station, the rules and instructions given in the book "GENERAL RULES AND DEPARTMENTAL INSTRUCTIONS FOR RADIO STATIONS IN INDIA", as amended from time to time, shall be observed.

9. Except as provided in these rules, the provisions of the Convention and any sets of rules made by the Central Government under section 7 of the Indian Telegraph Act, 1885, for the conduct of wireless telegraphs or telegraphs in general, shall be observed in so far as they are applicable.

10. The receiving apparatus of any wireless telegraph on a foreign aircraft must not be used for any unauthorised reception or interception of wireless telegraph communications.

If in the course of the operation of a wireless telegraph, any message is involuntarily received, its contents must not be divulged, published or put to any use whatever, nor must its very existence be disclosed.

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11. Any wireless telegraph on a foreign aircraft shall not be worked or used in such a manner as to obstruct or repeatedly interrupt any wireless telegraph service functioning within or without India in accordance with the provisions of the Convention on the wireless signalling between any fixed, land or mobile stations of Indian Land, Naval or Air Forces or the wireless signalling exchanged between any fixed, land or mobile station of Indian Land, Naval or Air Forces and any station abroad.

12. *Nothing in these rules shall prevent the use of wireless telegraphs for the purpose of making or answering bona fide distress calls or messages, in any manner thought fit.*

V. K. R. MENON, Secy.

